

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6914 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

POLA BADHA RATHOD

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner

MS SIDDHI TALATI for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/10/97

ORAL JUDGEMENT

1. This petition has been filed by the President, Bhadar-Jal Shinchani Karmachari Mandal, and prayer has been made for direction to the respondents to make permanent its members who are working in the Irrigation Division, Rajkot Circle, Rajkot and to pay them as per the principle of 'equal pay for equal work'.

2. From the record of the special civil application

it comes out that the employees of MOJ Irrigation Circle had filed petition before this Court and in their case this Court has directed for giving them the benefit of permanent absorption, pay scale etc. The petitioner claims that the cases of its members are identical to the case of those persons but the similar relief has not been granted by the respondents on the ground that the relief has to be granted to those persons only who were the party to the said petition. However, it is not necessary in this matter to go in depth as the notification dated 17th October, 1988 which has been issued by the Government for extension of benefits to the daily wagers who are working in the departments mentioned therein which, includes the Irrigation Department, the cases of the members of the petitioner-association has to be considered for extension of the benefits as conferred on daily wagers under the aforesaid notification. This petition is of the year 1985 and it is really sorry state of affairs that the counsel for the respondents is unable to say whether the cases of the petitioner-association have been examined for conferment of benefit of pay in the regular pay scale etc. with reference to the said notification or not. The worse part of the matter is that nobody is present on behalf of the petitioners also.

3. The interest of justice will be met in case this special civil application is disposed of with the direction to the respondents to examine the cases of the members of the petitioner-association named in annexure 'A' to this petition, with reference to the notification dated 17th October, 1988 and the decision of this Court given in special civil application No.68/84, within a period of three months from the date of receipt of writ of this order. In case the members of the petitioner-association, named in annexure 'A', are found entitled for the benefits as conferred to daily wagers under the aforesaid notification and the judgment of this Court aforesaid, the consequential benefits may be given to them within a period of two months next. In case the claim of the members of the petitioner-association, named in annexure 'A', is not acceptable then a reasoned order may be passed and copy of the same may be sent to the petitioners. In that case liberty is granted to the petitioners for revival of this special civil application. It is further made clear that in case during the pendency of this special civil application the benefits as provided under the notification dated 17th October, 1988 have been extended to the members of the petitioner-association, named in annexure 'A', by the respondents then this exercise is not required to be undertaken. The special civil application and rule stand

disposed of in the aforesaid terms with no order as to costs.

zgs/-